

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hadden *et al.*
Serial No. 09/837,076
Filed: 04/18/2001
For: **PERFORMANCE-BASED TRAINING ASSESSMENT**

Examiner: Colon, Catherine M.
Art Unit: 3623

Commissioner for Patents
Washington, D.C. 20231

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT –
OFFICE ACTION NOT RECEIVED

This petition is in response to the Notice of Abandonment mailed on August 23, 2002. The Notice of October 25, 1993, 1156 O.G. 53, states (in part): "In order to minimize cost and burdens to the practitioner and the Office when an application has become abandoned due to a failure to receive an Office action, the Office is modifying the showing required to make a petition to withdraw the holding of abandonment grantable. The showing required to establish the failure to receive an Office actio[n] must consist of a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement."

I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received. Although there should be no fee required for this petition, the Patent Office is hereby authorized to charge any fees to Deposit Account number 50-1732.

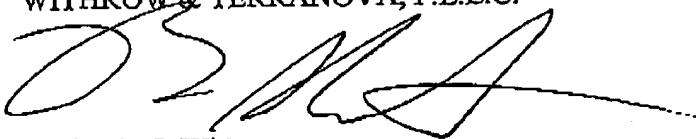
I hereby state that the Office Action indicated, as mailed on February 12, 2002, was not received and that a search of the file jacket and the docket records in my office indicates that this Office Action was not received. I have attached a copy of the docket record where the non-received Office Action would have been entered if it had been received and docketed. Additionally, I have attached the docket record showing all communication to and from the Office relating to the filing and prosecution of this patent application, wherein it is evident that the Office Action has not be received and docketed.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



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Date: September 11, 2002
Attorney Docket: 1004-001

CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING
TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED
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Examiner: Colon, Catherine M. Art Unit: 3623 Fax: 703-872-9327

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Date	Mat No	Don	Description	Staff	Reminder Code
4/12/2001	Thu	1004-001	Y Send first draft to client	Benjamin S Withrow	SOFTDEADL
4/18/2001	Wed	§ 1004-001	Y Patent Application Filed	Benjamin S Withrow	
6/18/2001	Mon	§ 1004-001	Y F/U Postcard	Benjamin S Withrow	SUPPORT TA
5/4/01					
6/18/2001	Mon	§ 1004-001	Y R-File IDS	Benjamin S Withrow	SOFTDEADL
7/27/2001	Fri	§ 1004-001	Y File IDS	Benjamin S Withrow	HARDDEADI
8/20/2001	Mon	§ 1004-001	Y F/U Filing Receipt	Benjamin S Withrow	SUPPORT TA
9/10/2001	Mon	1004-001	Y Prepar Petition to Make Special	Benjamin S Withrow	SOFTDEADL
1/18/2002	Fri	§ 1004-001	Y Send Foreign Filing Notice	Benjamin S Withrow	SOFTDEADL
1/18/2002	Fri	§ 1004-001	Y R-Foreign Filing Deadline	Benjamin S Withrow	SOFTDEADL
4/18/2002	Thu	§ 1004-001	Y Foreign Filing Deadline	Benjamin S Withrow	HARDDEADI
Decided against PCT application					
4/18/2003	Fri	§ 1004-001	N F/U re First Office Action	Benjamin S Withrow	SUPPORT TA